

## REMARKS

Claims 1-39 are currently pending in the application. Claims 14 and 34 are hereby cancelled. New claims 40-43 are presented for consideration.

Claims 1-13, 15-33 and 35-39 stand rejected under 35 U.S.C. §102 as allegedly anticipated by U.S. Patent No. 2,980,943, to Barnes et al. (Barnes). Reconsideration of the rejection of claims 1-13, 15-33 and 35-39, and favorable consideration of new claims 40-43 are requested.

Applicant's undersigned attorney wishes to thank Examiner Jackson for the courtesies extended him at the interview on October 27, 2005.

During the interview, primarily Barnes was discussed. It was pointed out to the Examiner that Barnes consistently describes the web member on the transition strip to be deformable to allow the cap member 73 to be pressed against underlying layers which the cap member 73 spans under a downwardly applied load, such as when it is walked upon. By reason of situating the web 72 at an angle to vertical, downward pressure upon the cap 73 tends to bend the web 72 in this fashion. While Barnes does discuss using aluminum for the structure therein, and thicknesses of certain parts thereof to be on the order of 1/32" (column 6, line 67), Barnes also consistently explains that the structure is deformable and will be deformed. More specifically, as stated in column 6, lines 67-72, "In certain preferred embodiments, the top and base members have thicker sections than the web member, thus assuring that deformation, in installing is confined to the web member which, of course, is invisible".

Claim 1 has been amended to characterize the upright wall as projecting upwardly substantially orthogonally away from the horizontal wall and the upwardly facing surface.

The upright wall, cap, and at least a part of the horizontal wall are characterized as substantially rigid and rigidly interconnected so that upright wall and cap have a substantially fixed orientation relative to each other and the at least part of the horizontal wall so that the cap maintains a substantially fixed orientation relative to the upwardly facing support surface.

As noted during the interview, this rigid, orthogonal arrangement maintains the desired, predetermined configuration and orientation for the horizontal wall, upright wall, and the at least part of the horizontal wall. This structure is distinguishable from Barnes and other transition strips that are designed so that the cap conforms to underlying layers so as to produce an overall low profile transition strip. This is in contrast to applicant's transition strip in claim 1 wherein a fixed relationship of these components is set and maintained.

Claims 2-13, 15-26 and 40-43 depend cognately from claim 1 and recite further significant structural detail to further distinguish over Barnes.

As just examples, claim 18 characterizes the cap as having a first downwardly facing surface which meets with the first surface on the upright wall at a line. Claim 19, which depends from claim 18, characterizes the cap as having a second downwardly facing surface that meets the second surface on the upright wall at a radiused surface portion. Claim 40, which depends from claim 19, characterizes the first downwardly facing surface as having a first length extending from the upright wall to a first free end, with the second downwardly facing surface having a second length extending from the upright wall to a second free end, with the second length being substantially greater than the first length. Claim 41, which depends in turn from claim 40, characterizes the majority of the second

length of the second surface as substantially flat and disposed at an angle to horizontal. The second layer is characterized as being flexible.

Claim 42 depends from claim 40 and characterizes the entire first length of the first surface as substantially flat and angled with respect to the second flat surface. The first layer is characterized as being rigid. Claim 43 depends from Claim 42 and characterizes the entire first length of the first surface as substantially horizontally oriented.

With this specific arrangement, as shown for example in Fig. 4, a rigid first layer can be nested flushly into the receptacle having the linear transition location between the first downwardly facing surface and first surface on the upright wall. The angled relationship of the second downwardly facing surface and the radiused transition between the second downwardly facing surface and second surface on the upright wall facilitate pressing and captive holding of a flexible layer, such as carpet.

Barnes shows in the drawings only a symmetrical "T" cross-sectional configuration for the transition strip, although Barnes does make a blanket statement that variations from this symmetrical construction are contemplated.

Claim 27 has been amended to characterize the cap as having first and second free ends, with first and second downwardly facing surfaces that respectively meet with the first and second surfaces on the upright wall at a line and radiused surface portion. The cap is characterized as having a first portion that projects a first distance from the upright wall in one horizontal direction to a first free end bounding the first receptacle and a second portion that projects a second distance from the upright wall oppositely to the one horizontal direction and bounding the second receptacle. The first distance is characterized as substantially greater than the second distance.

As noted above, Barnes does not teach or suggest corresponding cap portions or surface transitions. Claim 27 is thus believed allowable.

Claim 28 depends from claim 27 and includes further significant structural detail to further distinguish over Barnes.

Claim 29 incorporates limitations of claim 34. More specifically, claim 34 characterizes the horizontal wall as having oppositely facing flat surfaces respectively within first and second planes, with the horizontal wall weakened so that the horizontal wall is reconfigurable within a space between the first and second referenced planes.

On page 3 of the Action, the Examiner alleges that in Barnes “[t]he horizontal wall defines oppositely facing flat surfaces respectively within first and second reference planes and is reconfigurable within a space between the first and second references planes...”

Applicant respectfully submits that there is no corresponding weakening in the horizontal wall in Barnes corresponding in structure and function to that shown, for example, in Applicant’s Fig. 8. Accordingly, claim 34 is not anticipated by Barnes and Claim 29, which now incorporates the limitations of claim 34, is thus believed allowable.


The remainder of the claims, 30-33 and 35-39, depend cognately from claim 29 and recite further significant structural detail to further distinguish over Barnes.

Reconsideration of the rejection of claims 1-13, 15-33, and 35-39, favorable consideration of new claims 40-43, and allowance of the case are requested.

The additional claim fee of \$50.00 is enclosed. Should additional fees be required in connection with this matter, please charge our deposit account No. 23-0785.

Respectfully submitted,

By

A handwritten signature in black ink, appearing to read "JSM", is written over a horizontal line. Below the line, the name "John S. Mortimer, Reg. No. 30,407" is printed.

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